

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

FRANK WILSON, JR. and	)	
KIMBERLY WILSON,	)	
	)	No. 0 : 10 - 2773 - CMC
Plaintiffs,	)	
	)	
vs.	)	<b><u>PLAINTIFFS' ANSWERS TO</u></b>
	)	<b><u>MANDATORY INTERROGATORIES</u></b>
LVNV FUNDING, LLC,	)	<b><u>PURSUANT TO LOCAL RULE 26.01</u></b>
	)	
Defendant.	)	

NOW COME the Plaintiffs, FRANK WILSON, JR. and KIMBERLY WILSON, by and through their attorney, JAMES M. ERVIN, and for their answers to the Interrogatories mandated by Local Rule 26.01, Plaintiffs hereby state as follows:

(A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

**ANSWER:** There are no persons or legal entities who have a subrogation interest in any of Plaintiffs' claims.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

**ANSWER:** Plaintiffs request a trial by jury pursuant to Fed. R. Civ. P. 38. As to Plaintiffs' right to a trial by jury for claims brought under the Fair Debt Collection Practices Act, see *Sibley v. Fulton DeKalb Collection Service*, 677 F.2d 830 (11th Cir. 1982), and *Kobs v. Arrow Service Bureau, Inc.*, 134 F.3dc 893 (7th Cir. 1998).

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary, partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding

shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

**ANSWER:** No Plaintiff to this action is a publicly owned company.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). *See* Local Civil Rule 3.01.

**ANSWER:** A substantial part of the events or omissions giving rise to Plaintiffs' claims occurred within this division and Plaintiffs reside within this division.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which *may be* related regardless of whether they are still pending. Whether cases *are* related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges. This information is required in addition to completion of the "related cases" block on the JS44 Civil Cover Sheet. Although the Civil Cover Sheet requires only that parties disclose *pending* related cases, this interrogatory and this District's assignment procedures require disclosure of *any prior or pending* related case whether civil or criminal. Therefore, both categories should be disclosed in response to this interrogatory as well as on the JS 44 Civil Cover Sheet.

**ANSWER:** This matter is not related to any other matter filed in this District.

Respectfully Submitted,

/s/ James M. Ervin

James M. Ervin

Attorney for Plaintiffs

PO Box 6276

Columbia, SC 29260-6276

(888) 493-0770, ext. 308 (phone)

(866) 551-7791 (facsimile)

James@LuxenburgLevin.com